

Foreign Intelligence Surveillance Act, as well as participated in the many, many hearings and discussions at the House Intelligence Committee as a member of that committee and feel very privileged to have done so.

I can't help but think of those whose shoulders we stand on, our predecessors in the House of Representatives in the Congress of over 200 years. Would any of them, would any of them for a moment accuse another Member of not wanting to fully protect the Nation that we are sworn to protect and the Constitution that we are sworn to uphold? That's what this debate is about.

The Foreign Intelligence Surveillance Act was born in 1978. And the reason our predecessors, Republicans and Democrats, set down this law was because of the abuses of those high in our government at that time, Richard Nixon. And Republicans and Democrats in the Congress as well as Republican and Democratic Presidents have honored the law, but they have also seen fit to change it, from 1978 on, to fit the needs of this great Nation.

And so to talk about blood on someone's hands, that there are some that do not love and want to protect this country does not deserve to be debated or even stated in this House. We all take the same oath. We all take the same oath. And when we take that oath, we say "to defend the Constitution of the United States." That is the steel of our Nation. The flag that is behind us is the heart of our Nation, but the Constitution is the soul of our Nation.

And so, in all of this we say "rule of law." This is not to cheapen FISA. This is not, as the ranking member of the Intelligence Committee, making fun of attorneys and saying we're sending it off to people that are going to quibble. We are talking about the rule of law.

The Democratic leadership last night gave the principles to the DNI, Director of National Intelligence, last night. Something happened after that, and it's not satisfactory. But we will not turn over to an Attorney General who has misled the Congress, who has now made a hospital visit famous, who came to the Hill and lobbied for torture, we are not going to give over what we believe should dictate all of this, and that is the rule of law.

Mr. SMITH of Texas. Madam Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. McHUGH), who is also a member of the Intelligence Committee.

Mr. McHUGH. I thank the gentleman.

Madam Speaker, I hadn't intended to speak; and I didn't intend to because, right now, the hearts and minds of the 10th Mountain Division family, which includes the district that I represent, are focused on two soldiers who are classified as "missing, captured." And there has been speculation in the press recently whether or not FISA had some application, and I didn't want to cloud

that water. But I thought that those soldiers, whatever the circumstances may be related to their condition, would want us to do everything that we could to defend what they fought for, that is, the future, the ability of this country to prosper as the greatest democracy the world has ever known.

I have been listening to the chairman of the Intelligence Committee, a friend of mine, a gentleman and a leader, who said, "This bill gives most of those things that the DNI wanted." I listened to my friend, JERRY NADLER, the gentleman from New York, a colleague of mine in both the State legislature and here: "Most of." This is not a "most of" situation, Madam Speaker. This is a situation where we have to give what the war fighters need to protect them in the field.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize the chairman of the Crime Subcommittee on Judiciary, the distinguished gentleman from Virginia, BOBBY SCOTT, for 1 minute.

Mr. SCOTT of Virginia. Madam Speaker, it would be better to consider complicated wiretap laws in the process with committee consideration, public hearings, markups, and consider amendments with more than just 1 minute of discussion, but we have been told that there is an urgent need for clarification in the wiretap law.

Now, all of those clarifications are in this bill, especially the foreign-to-foreign communications. This bill honors our Constitution and provides the government all of the flexibility that we were told was needed, but it does not leave the decision of when wiretaps are allowed to the imagination of this Attorney General.

The secret FISA court is appropriately involved. It does not restrict the ability of law enforcement to engage in appropriate surveillance, but it does respect our Constitution. We should adopt this very limited clarification in the law.

Mr. SMITH of Texas. Madam Speaker, once again, may I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes; the gentleman from Texas has 1 minute; the gentleman from Michigan has 1 minute, 5 seconds.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. HOEKSTRA), who is also the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. I thank the gentleman for yielding.

The great track record about the FISA bill designed and passed in 1978 was that the intent was to protect American civil liberties, and it has done a very effective job of protecting American civil liberties.

Nowhere in this debate over the last week, over the last number of months has about there been allegations that FISA did not work. There was a technical problem with FISA because tech-

nology has moved and evolved and the law did not. So the question becomes, take a look at the bill. If we're really intent on protecting Americans, read some sections of the bill.

"We require basket warrants for various targets, various countries." How many baskets are we going to put out there and are we going to require the DNI to prepare to bring to the court?

And then take a look at what they require to put into the basket. Does this help protect Americans, where we say the DNI needs to go to a court and provide a description of the nature of the information sought for the various baskets, the China basket, the North Korea basket, the al Qaeda basket, the Syria basket?

What happens if we outline the type of intelligence we want to gather and we're gathering it and we get something else? Do we need to minimize that? That is a ridiculous requirement.

The bill goes on and it says, "a statement of the means by which the electronic surveillance will be effected." This is going to the Court and saying, you need to identify all over the world how you are going to collect intelligence. There are certain intelligence collection methods that only two Members of this House may be aware of. Does that help keep America safe?

This is a bad bill. It protects terrorists, not Americans.

Mr. REYES. Madam Speaker, it is now my privilege to yield the remaining time to the distinguished majority leader from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

As has been stated on this floor, this is an extraordinary and important development and even more important issue.

I want to comment first on the involvement of Mr. REYES, Mr. CONYERS, myself, the Speaker, and others. I have met on at least three occasions with my friend, Mr. BLUNT. Every time we made a draft, I took it to him and discussed it with him. This was not something that I thought ought to be done on a partisan basis.

I talked to the Director of National Intelligence on at least five different occasions individually and then in a conference call with Senator ROCKEFELLER and Senator LEVIN, Mr. REYES, Mr. REID, the Speaker and myself. We talked over a number of hours. The conversation did not last hours. From time to time, we hung up and the DNI went to contact people.

Mr. Speaker, we have spent a substantial amount of time trying to reach what our Founding Fathers wanted us to reach, and that was a balance of power, a balance of making sure that our country was secure and making sure that our individuals were secure. That's what our Founding Fathers were all about. They didn't want King George knocking on the door and coming in just because he wanted to come in. They thought that King George needed to be restrained. So